

FILED

2017 MAY 11 PM 2 03

IN THE CIRCUIT COURT OF GARLAND COUNTY, ARKANSAS
CIVIL DIVISION

JEANNE FIFE

BY 

PLAINTIFF

DEBORAH BRENNEMAN

VS.

NO.

CV-17-458 III

DOLLAR TREE STORES, INC.

DEFENDANT

COMPLAINT

COMES NOW the Plaintiff, Deborah Brenneman, by and through her attorney D. Scott Hickam, P.A., and for her cause of action against the Defendant, Dollar Tree Stores, Inc., states and alleges:

CITIZENSHIP AND RESIDENCY

1. The Plaintiff, Deborah Brenneman, (hereinafter Brenneman), was a citizen and resident of Garland County, Arkansas at the time this cause of action arose and remains so at this time.

2. The Defendant, Dollar Tree Stores, Inc. (hereinafter "Dollar Tree"), is a Virginia corporation lawfully registered to do business in the State of Arkansas, currently in good standing, and with a principal place of business in Garland County, Arkansas.

JURISDICTION AND VENUE

3. The cause of action complained of herein is negligence causing damages that occurred in Garland County, Arkansas.

4. Jurisdiction properly lies before this Court in accordance with A.C.A. §16-13-201(a).



5. Venue properly lies before this Court in accordance with A.C.A. §16-60-101(a)(1) and (3)(a).

FACTS STATING CAUSE OF ACTION

6. Brenneman entered the Dollar Tree premises located at 4252 Central Avenue, Hot Springs, Garland County, Arkansas, on the 16th day of October, 2014, for the purpose of purchasing items for sale to the public by Dollar Tree.

7. While shopping, Brenneman needed to use the restroom and proceeded to the restroom which was available for public use.

8. Near the door to the restroom and by a water fountain, also available for public use, water had accumulated and created a slick and dangerous condition.

9. Brenneman had no knowledge of the condition of the floor and stepped onto its slick condition causing her to slip and fall upon her left side.

10. Brenneman suffered severe and painful injuries necessitating substantial medical expenses and loss of income.

CAUSE OF ACTION (NEGLIGENCE)

11. Brenneman was an invitee upon the premises of the Dollar Tree.

12. Brenneman slipped and fell on water that had accumulated inside the Dollar Tree premises.

13. Dollar Tree owed Brenneman a duty to use ordinary care to maintain its premise in a reasonably safe condition.

14. The presence of the accumulated water upon the floor was (a) the result of Dollar Tree's failure to use ordinary care, and/or Dollar Tree knew of the presence of the water accumulated on the floor or the water had been on the floor such a length of

time that Dollar Tree should have known of its presence; and (b) Dollar Tree failed to use ordinary care to remove it.

DAMAGES

15. Brenneman has sustained the following damages proximately caused by Dollar Tree's negligence:

- (a) A serious injury of extended duration with permanent physical limitations; and
- (b) Reasonable expenses in the sum of \$91,871.25 already incurred for necessary medical care, treatment, and services received, including transportation expenses necessarily incurred in securing such care, and the present value of such expense reasonably certain to be required in the future; and
- (c) Pain, suffering, and mental anguish experienced in the past and reasonably certain to be experienced in the future; and
- (d) The value of earnings lost in the past in the sum of \$12,173.87 and the present value of any earnings reasonably certain to be lost in the future; and
- (e) The present value of any loss of ability to earn in the future.

REQUEST FOR JURY TRIAL

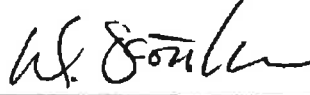
16. Brenneman respectfully requests trial by jury.

PRAYER AND RELIEF

WHEREFORE, the Plaintiff, Deborah Brenneman, prays that she have judgment against the Defendant, Dollar Tree Stores, Inc., in a sum uncertain but in excess of \$400,000.00, for her costs expended herein, and all other just and proper relief unto which she may be entitled.

Respectfully submitted,

DEBORAH BRENNEMAN, Plaintiff

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